

Docket No.: KC-0148

Rec'd PST/PTO 23 NOV 2000

PATENT

# 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.:

Olga KOZLOVA-ZWINDERMAN

Group Art Unit:

Serial No.: 10/537,435

Examiner:

Filed: June 3, 2005

Customer No.: 34610

For: EUKARYOTIC BIOSENSOR MAKING USE OF A CALCIUM REGULATED  
LIGHT EMITTING ENZYME

INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

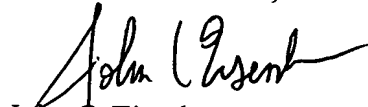
Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the indicated date. Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, that information cited in the statement is considered to be and/or is material to patentability, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

- ☒ 1. This Information Disclosure Statement is being filed (i) within three months of the U.S. filing date of a U.S. application other than a CPA continued prosecution application under §1.53(d) OR (ii) within three months of the date of entry of the national stage as set forth in §1.491 in an international application OR (iii) before the mailing date of a first Office Action on the merits OR (iv) before the mailing of a first Office Action after the filing of a Request for continued examination under §1.114. No certification or fee is required. 37 C.F.R. §1.97(b).
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application. 37 C.F.R. §1.97(c).

- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).
- ☐ c. Attached is our check no. \_\_\_\_\_ in the amount of \$180.00 in payment of the fee under 37 C.F.R. §1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- ☐ 3. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application, but on or before payment of the Issue Fee. Attached is our check no. \_\_\_\_\_ in the amount of \$180.00 in payment of the fee under 37 C.F.R. §1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 C.F.R. §1.97(d).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).
- ☒ 4. To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

FLESHNER &amp; KIM, LLP

  
John C. Eisenhart  
Registration No. 38,128

Enclosure: Copy of International Search Report dated March 16, 2004

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**Please direct all correspondence to Customer Number 34610**

JCE/krf

**LIST OF ART CITED BY APPLICANT**  
(PTO-1449)

ATTY. DOCKET NO.  
KC-0148

APPLN. SERIAL NO.  
10/537,435

APPLICANT(S)  
Olga KOZLOVA-ZWINDERMAN

FILING DATE  
June 3, 2005

GROUP

**U.S. PATENT DOCUMENTS**

EXAMINER'S INITIALS	*PATENT NO.	*ISSUE DATE	*INVENTOR NAME	CLASS	SUBCLASS	FILING DATE
	5,714,666	02/03/1998	Pritchett et al.			

**U.S. PATENT APPLICATION PUBLICATIONS**

	*PATENT APPLN. PUB. NO.	*PUB. DATE	*APPLICANT	CLASS	SUBCLASS	

**U.S. PATENT APPLICATIONS**

	*APPLN. NO.	*FILING DATE	*INVENTOR	CLASS	SUBCLASS	

**FOREIGN PATENT DOCUMENTS**

EXAMINER'S INITIALS	PUBLICATION NO.	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						Yes	No
	WO 00/02045	01/13/2000	BE				
	WO 02/075273	09/26/2002	EP				
	WO 01/51923	07/19/2001	US				

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Publisher, Place of Publication, Etc.)**

	Mithöfer, A., et al., "Induction of H <sub>2</sub> O <sub>2</sub> synthesis by $\beta$ -glucan elicitors in soybean is independent of cytosolic calcium transients," (16 November 2001), <i>FEBS Letters, Elsevier Science Publishers, Amsterdam, NL</i> , 508:2:191-195.
	Rizzuto, R., et al., "Mitochondria as biosensors of calcium microdomains," (November 1999), <i>Cell Calcium</i> , 26:5:193-199.
	Rider, Todd H., et al., "A B Cell-Based Sensor for Rapid Identification of Pathogens," (July 11, 2003), <i>SCIENCE</i> , 301:5630:213-215
	Herbaud, Marie-Laure, "Calcium signaling in <i>Bacillus subtilis</i> ," (December 10, 1998) <i>Biochemica et Biophysica Acta, Molecular Cell Research, Elsevier Science Publishers, Amsterdam, NL</i> , 1448:2:212-226

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.  
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